

SENATE, No. 2163

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Senator PALAIA

1 AN ACT concerning municipal administrators and managers and
2 amending N.J.S.40A:9-138 and P.L.1950, c.210.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.40A:9-138 is amended to read as follows:

8 40A:9-138. The municipal administrator may be removed by a 2/3
9 vote of the governing body. The resolution of removal shall become
10 effective 3 months after its adoption by the governing body. The
11 governing body may provide that the resolution shall have immediate
12 effect; provided, however, that the governing body shall cause to be
13 paid to the administrator forthwith any unpaid balance of his salary and
14 his salary for a minimum of the next 3 calendar months following
15 adoption of the resolution.

16 (cf: N.J.S.40A:9-138)

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18 2. Section 9-13 of P.L.1950, c.210 (C.40:69A-93) is amended to
19 read as follows:

20 9-13. The municipal manager shall hold office for an indefinite term
21 and may be removed by a [majority] two-thirds vote of the council.
22 At least 30 days before such removal shall become effective, the
23 council shall by a [majority] two-thirds vote of its members adopt a
24 preliminary resolution stating the reasons for his removal. The
25 manager may reply in writing and may request a public hearing, which
26 shall be held not earlier than 20 days nor later than 30 days after the
27 filing of such request. After such public hearing, if one be requested,
28 and after full consideration, the council by [majority] two-thirds vote
29 of its members may adopt a final resolution of removal. By the
30 preliminary resolution the council may suspend the manager from duty,
31 but shall in any case cause to be paid him forthwith any unpaid balance
32 of his salary and his salary for a minimum of the next 3 calendar
33 months following adoption of the preliminary resolution unless he is
34 removed for good cause. For the purposes of this section, "good

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 cause" shall mean conviction of a crime or offense involving moral
2 turpitude, the violation of the provisions of section 17-14, 17-15,
3 17-16, 17-17 or 17-18 of P.L.1950, c.210 (C.40:69A-163 through
4 40:69A-167), or the violation of any code of ethics in effect within the
5 municipality.

6 (cf: P.L.1981, c.465, s.27)

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8 3. This act shall take effect immediately.

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STATEMENT

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13 This bill would permit a governing body to set the amount of
14 severance pay for a municipal administrator at a level greater than the
15 three months' pay currently permitted.

16 In addition, the bill would require a two-thirds vote of the entire
17 membership of the municipal governing body to remove a municipal
18 manager under the "Optional Municipal Charter Law," P.L.1950,
19 c.210 (C.40:69A-1 et seq.). Under current law a majority vote is
20 required. This bill also would provide the municipal governing body
21 with the discretion to pay a municipal manager severance of more than
22 three months' salary when a removal is without good cause.

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27 Concerns removal of, and severance pay for, certain local personnel.